

Jan 09, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON WILLIAM CATHCART,

Defendant.

No. 1:16-cr-02044-SAB

**ORDER GRANTING MOTION
FOR PROTECTIVE ORDER**

Before the Court is the Government's Motion for a Protective Order, ECF No. 19, and related Motion to Expedite, ECF No. 20. Having considered the motion, the Court finds the privacy protection measures mandated by 18 U.S.C. § 3509(d), when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case. Therefore, the Court **grants** the Government's motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Government's Motion for a Protective Order, ECF No. 19, and Motion to Expedite, ECF No. 20, are **GRANTED**.

2. The privacy protection measures mandated by 18 U.S.C. § 3509(d), when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case.

//

1 3. All persons acting in this case in a capacity described in 18 U.S.C.
2 § 3509(d)(1)(B), shall follow and abide by the privacy protections of 18 U.S.C.
3 § 3509(d)(1) and (2) as follows:

4 (d) Privacy Protection.—

5 (1) Confidentiality of Information.—

6 (A) A person acting in a capacity described in
7 subparagraph (B) in connection with a criminal
8 proceeding shall—

9 (i) keep all documents that disclose the name
10 or any other information concerning a child
11 in a secure place to which no person who
12 does not have reason to know their contents
13 has access; and

14 (ii) disclose documents described in clause (i)
15 or the information in them that concerns a
16 child only to persons who, by reason of their
17 participation in the proceeding, have reason
18 to know such information.

19 (B) Subparagraph (A) applies to—

20 (i) all employees of the Government connected
21 with the case, including employees of the
22 Department of Justice, any law enforcement
23 agency involved in the case, and any person
24 hired by the Government to provide
25 assistance in the proceeding;

26 (ii) employees of the court;

27 (iii) the defendant and employees of the
28 defendant, including the attorney for the

1 defendant and persons hired by the
2 defendant or the attorney for the defendant
3 to provide assistance in the proceeding; and
4 (iv) members of the jury.

5 (2) Filing under seal.—All papers to be filed in court that
6 disclose the name of or any other information concerning
7 a child shall be filed under seal without necessity of
8 obtaining a court order. The person who makes the filing
9 shall submit to the clerk of court—

10 (A) the complete paper to be kept under seal; and

11 (B) the paper with the portions of it that disclose the
12 name of or other information concerning a child
13 redacted, to be placed in the public record/

14 4. The search warrants in this case contain personal and identifying
15 information regarding the minor victims in this case. The Government shall follow
16 the procedure as described in subparagraphs (A) and (B) as outlined above to
17 comply with the provisions of 18 U.S.C. § 3509(d).

18 5. Counsel shall remind all persons providing assistance on this case of the
19 aforementioned obligations.

20 6. Any alleged minor victim shall be referred to by a pseudonym agreed
21 upon by counsel for the United States and Defendant. Counsel shall be consistent
22 in their use of the identifier selected. The parties shall prepare their witnesses and
23 instruct them to refer to the alleged minor victims only by using the agreed
24 pseudonyms (e.g., “Jane Doe 1,” “Jane Doe 2,” etc.), rather than by their names, in
25 opening statements, and in closing arguments.

26 //

27 //

28 //

1 7. All personal information relating to any minor victim shall be precluded
2 from public disclosure.

3 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
4 enter this Order and furnish copies to counsel.

5 **DATED** this 9th day of January 2018.



10 

11 Stanley A. Bastian
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28